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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,874	11/26/2003	Akio Ohba	SCEI 16.077A	9325

26304 7590 08/25/2006

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Preliminary Amendment

2. Preliminary amendment filed on 1/3/05 has been entered.

Drawings

3. The Examiner has approved drawings filed on 10/9/03.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 11/26/03, 12/23/04, 8/22/05, 1/9/06 has been considered by the examiner.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Art Unit: 2624

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 17 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2 and 7 of Patent No (US. 6,714,660 B1). Although the conflicting claims are not identical, they are not patentably distinct from each other because each of the limitations of the instant application is defined by the claim of the Patent No (US. 6,714,660 B1). In particular, Claim 17 (new) An image processing device comprising: Preamble Patent (US. 6,714,660) teaches see claim 1

a means for tracking an image of a prescribed part from an image of a user and extracting it as image Patent (US. 6,714,660) teaches see claim 1, column 9, lines 34-35) and converting said image of the user to a left-right reversed mirror image;

a means for superimposing and drawing a CG image (note, CG image corresponds to computer graphic image) of a mask (mask corresponds to virtual image) on said image of the user Patent (US. 6,714,660) teaches see claim 1, column 9, lines 45- 55);

a means for changing the corresponding part of said CG image of the mask in response to the action of the user Patent (US. 6,714,660) teaches see claim 1, column 9, lines 45- 55);

whereby an image of the user can be obtained who puts on a mask whose expression changes in real time in correspondence to a change of the prescribed part of the user Patent (US. 6,714,660) teaches see claim 1, column 9, lines 45- 55).

While the patent application claim includes additional limitations not specifically recited by the claim of the instant application, the use of the transitional term “comprising” in the instant claim fails to preclude the possibility of additional features or elements. Therefore, the invention defined by claim 17 of the instant application is not patentably distinct from the invention defined in claims 1, 2 and 7 of the patent application. Similarly claim 8 of the patent application includes each of the limitations of claim 33 of the instant application, so that claim 33 also fails to define a patentably distinct invention.

Allowable Subject Matter

6. Claims 18- 32 and 34- 50 are rejected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
August 4, 2006


SHEELA CHAWAN
PRIMARY EXAMINER